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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

Report of the Secretary-General**

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* A/56/150.

** The present report has been submitted after the established deadline in order to take into account the deliberations of the July 2001 session of the Economic and Social Council.

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I. Introduction

1. At its fifty-fifth session, the General Assembly adopted without a vote resolution 55/157 of 12 December 2000, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions". In the resolution, the General Assembly, inter alia:

(a) Renewed its invitation to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

(b) Welcomed the measures taken by the Security Council since the adoption of General Assembly resolution 50/51 of 11 December 1995, most recently the note by the President of the Council dated 17 April 2000 (S/2000/319), whereby the members of the Council decided to establish an informal working group to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looked forward to the findings of the working group, in particular to those regarding the issues of unintended impacts of sanctions and assistance to States in implementing sanctions, and strongly recommended that the Council continue its efforts to further enhance the functioning of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

(c) Requested the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998 and 54/107 of 9 December 1999 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

(d) Welcomed the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States (A/53/312), and renewed its invitation to States and relevant international organizations within and outside the United Nations system which had not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

(e) Renewed its request to the Secretary-General to present to the General Assembly any further views that he may have on the deliberations and main findings, including the recommendations, of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, taking into account the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as well as the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions;

(f) Reaffirmed the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system on behalf of States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and in identifying solutions to the special economic problems of those States;

(g) Took note of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue its consideration of the question of assistance to third States affected by the application of

sanctions, invited the Council, at its organizational session for 2001, to make appropriate arrangements for this purpose within its programme of work for 2001 and decided to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions (A/55/295 and Add.1), together with the relevant background materials, to the Council at its substantive session of 2001;

(h) Invited the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for that purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

(i) Requested the Secretary-General to submit a report on the implementation of the resolution to the General Assembly at its fifty-sixth session.

2. The present report has been prepared in response to that request.

II. Measures for further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions

3. By a note dated 9 April 2001 (S/2001/417), the Secretary-General drew the attention of the members of the Security Council to General Assembly resolution 55/157, in particular paragraphs 1 and 2 thereof (see paras. 1 (a) and (b) above).

4. Taking account of the note by the President of the Security Council of 29 January 1999 (S/1999/92) and other relevant proposals and recommendations, the members of the Security Council decided to establish, on a temporary basis, an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions (see S/2000/319). The members of the Council noted the work of the General Assembly in this area and also observed that there existed considerable recent scholarship on the subject of United Nations sanctions that merited further consideration by the Council. The Working Group, chaired by Ambassador Chowdhury (Bangladesh), benefited from available sanctions expertise, including by being briefed, on a case-by-case basis, by appropriate experts. The Working Group has examined the issue of unintended impact of sanctions on third States and assistance to Member States in implementing sanctions. It was to report its findings to the Council by 30 November 2000, but the Group was unable to reach a consensus on all of the recommendations. At the informal consultations held on 14 and 15 February 2001, the members of the Security Council took up the Chairman's proposed outcome of the Working Group. Following an exchange of views, the members of the Council decided to continue consideration of this issue at a later stage, with a view to reaching consensus on outstanding matters. Ambassador Chowdhury has informed the Council that he will report directly to it when agreement has been reached.

III. Review of the capacity and modalities of the Secretariat for implementing the intergovernmental mandates and recommendations of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions

5. The Secretary-General has taken note of paragraph 3 of General Assembly resolution 55/157 (see para. 1 (c) above). In this regard, the Secretary-General notes that the arrangements that were put in place in the Secretariat in 1996, as described in his report of that year on the matter (A/51/317, paras. 4-11) and in his 1997 report (A/52/308, para. 5), continue to apply.

6. The Secretary-General has also taken note of paragraph 5 of General Assembly resolution 55/157 (see para. 1 (e) above). The Secretary-General wishes to reiterate his understanding that the Assembly is interested in receiving his views concerning the feasibility of implementing the recommendations of the ad hoc expert group considering the limited capacity and resources of the Secretariat. In this connection, the Secretary-General once again wishes to indicate that the issues relating to the relevant capacity and modalities of the Secretariat continue to be under review by several intergovernmental bodies that are concerned with the question of assistance to third States affected by the application of sanctions. The Secretary-General has provided and will continue to provide his full support for the ongoing review process, including his views and recommendations as required, in order to ensure the implementation of relevant intergovernmental mandates in a timely and efficient manner.

IV. Views provided by Governments and relevant international organizations regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions

7. In accordance with paragraphs 4 and 8 of General Assembly resolution 55/157 (see paras. 1 (d) and (h) above), States and relevant international organizations within and outside the United Nations system that had not yet done so were invited to provide their views regarding the report of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions, as contained in the 1998 report of the Secretary-General on the subject (see A/53/312, sect. IV). It will be recalled that the communications received in 1999 and 2000 from Governments and the relevant international organizations and institutions inside and outside the United Nations system on the same matter were summarized in the previous reports of the Secretary-General (A/54/383 and Add.1 and A/55/295 and Add.1 respectively). Since then, no additional comments have been provided. Any further input to be received before the end of 2001 will be included in addenda to the present report.

V. Recent developments related to the role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in the area of assistance to third States affected by the application of sanctions

8. Pursuant to paragraph 6 of General Assembly resolution 55/157 (see para. 1 (f) above), the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination have continued to play their respective roles in the area of assistance to third States affected by the application of sanctions.

General Assembly

9. At its fifty-fifth session, the General Assembly had before it the report of the Secretary-General on economic assistance to the Eastern European States affected by the developments in the Balkans (A/55/620 and Corr.1). That report superseded a series of five reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions on the Federal Republic of Yugoslavia (A/49/356, A/50/423, A/51/356, A/52/535 and A/54/534), submitted to the Assembly in previous years.

10. In its resolution 55/170 of 14 December 2000, entitled "Economic assistance to the Eastern European States affected by the developments in the Balkans", the General Assembly, taking note of the report of the Secretary-General on the subject (A/55/620 and Corr.1) and the conclusions contained therein, welcomed the support already provided by the international community, in particular by the European Union and other major donors, to the affected States to assist them in coping with their special economic problems during the transition period following the developments in the Balkans. Also, the Assembly expressed concern at the persistence of special economic problems confronting the Eastern European States affected by the developments in the Balkans, in particular their impact on regional trade and economic relations and on the navigation along the Danube and on the Adriatic Sea, and invited all States and the relevant international organizations, both within and outside the United Nations system, in particular the international financial

institutions, to continue to take into account the special needs and situations of the affected States in providing support and assistance to their efforts for economic recovery, structural adjustment and development. The Secretary-General was requested to report to the Assembly at its fifty-sixth session on the implementation of the resolution.

Economic and Social Council

11. By a note dated 18 June 2001 on assistance to third States affected by the application of sanctions (E/2001/90), the Secretary-General drew the attention of the members of the Economic and Social Council to General Assembly resolution 55/157, in particular to paragraph 7 thereof (see para. 1 (g) above). Accordingly, the Council, at its substantive session of 2001, held in Geneva from 2 to 26 July 2001, had before it the most recent report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/55/295 and Add.1). In the note, particular reference was made to section IV of the report, which contains an update of the views provided by Governments and relevant international organizations regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions.

12. In a decision adopted on 26 July 2001, the Economic and Social Council took note of the note of the Secretary-General (E/2001/90).

Committee for Programme and Coordination

13. The Committee for Programme and Coordination, at its forty-first session, held in New York from 11 June to 6 July 2001, considered the annual overview report of the Administrative Committee on Coordination for 2000 (E/2001/55), which included a section on assistance to countries invoking Article 50 of the Charter of the United Nations. In its conclusions and recommendations on the matter, the Committee reaffirmed the important role of the Administrative Committee on Coordination in coordinating the implementation of the relevant intergovernmental mandates for mobilizing and monitoring the economic assistance efforts of the international community and the United Nations system to States confronted with special economic problems arising from the implementation of preventive or enforcement measures imposed by the Security Council and in identifying solutions to the special economic problems of those States, as well as in providing support for the efforts of the States affected by the developments in the Balkans for their economic recovery, structural adjustment and development.[1]

Notes

[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 16* (A/56/16, para. 420).